



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0246/2
RCT:lmk:rs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 453**

October 17, 2005 - Offered by Representative GRONEMUS.

1 **AN ACT** *to amend* 95.25 (1) and 95.26 (2); and *to create* 97.24 (2m) of the
2 statutes; **relating to:** the sale of unpasteurized milk.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the sale to consumers of milk that has not been pasteurized (raw milk).

This substitute amendment authorizes a farmer with a grade A dairy farm permit to sell raw milk to a consumer who holds an ownership interest in the cow that produced the milk if the farmer satisfies requirements specified in the bill, including monthly testing of the milk and yearly testing of the farmer's herd for tuberculosis and brucellosis. The substitute amendment requires the farmer to place a warning statement on each container of raw milk and to provide information about the safe handling and use of raw milk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 95.25 (1) of the statutes is amended to read:
4 95.25 (1) In order to detect and control bovine tuberculosis the department may
5 test for tuberculosis those cattle where indication of possible infection is disclosed by

1 means of the slaughter cattle identification program and any other cattle,
2 farm-raised deer or other species the department has reason to believe may be
3 infected or exposed or considers necessary to test for any other reason. In addition,
4 a milk producer engaging in the sale of unpasteurized milk under s. 97.24 (2m) (a)
5 shall have each animal in the milk producer's herd tested for bovine tuberculosis
6 annually. Tuberculosis tests authorized by the department shall be made at such
7 times and in such manner as the department determines, in the light of the latest
8 and best scientific and practical knowledge and experience.

9 **SECTION 2.** 95.26 (2) of the statutes is amended to read:

10 95.26 (2) All milk and cream received at every dairy plant shall be tested at not
11 more than 6-month intervals by the B.R.T. test, and brucellosis tests shall be applied
12 promptly to cattle when the milk or cream therefrom discloses a positive reaction to
13 the B.R.T. test or to cattle and American bison when other indications of possible
14 infection are disclosed. In addition, a milk producer engaging in the sale of
15 unpasteurized milk under s. 97.24 (2m) (a) shall have each animal in the milk
16 producer's herd tested for brucellosis annually. All cattle and American bison, except
17 steers and spayed heifers, shall be subject to the brucellosis test, but official
18 vaccinates not older than the maximum age prescribed by rules of the department
19 need not be tested except when deemed necessary by the department or the
20 attending veterinarian. Brucellosis tests and official vaccination provided for in this
21 section shall be performed by a veterinarian approved by the department. When
22 brucellosis tests are not conducted by any such veterinarian within 15 days of the
23 date notice to test is mailed to the cattle or American bison owner, the department
24 shall conduct such tests. Except where compensated by the federal government,
25 approved veterinarians performing testing and vaccination under this section shall

1 be paid by the state at uniform rates established by the department. Blood samples
2 drawn for the brucellosis test shall be submitted to the department promptly for
3 laboratory examination.

4 **SECTION 3.** 97.24 (2m) of the statutes is created to read:

5 97.24 (2m) SALE OF UNPASTEURIZED MILK. Notwithstanding subs. (2) (b) and (3),
6 a milk producer may sell unpasteurized milk directly to a consumer if all of the
7 following conditions are satisfied:

8 (a) The milk producer has a grade A dairy farm permit under s. 97.22 (3).

9 (b) The milk producer's animals are tested as required by ss. 95.25 (1) and 95.26
10 (2).

11 (c) At least once each month, the milk producer submits a representative
12 sample of milk to a laboratory approved by the department and testing of that sample
13 shows that the milk meets the standards in rules promulgated by the department for
14 pasteurized grade A milk.

15 (d) The consumer holds an ownership interest in the cow that produced the
16 milk, as evidenced by a written bill of sale.

17 (e) Either the milk producer or the consumer provides a container for the milk
18 that has been prepared in a sanitary manner and the producer fills the container in
19 a sanitary manner.

20 (f) The milk producer does not fill the container by dipping it or any utensil into
21 a bulk tank.

22 (g) The milk producer places on the container the following statement:
23 "Warning: This product has not been pasteurized and, therefore, may contain
24 harmful bacteria that can cause serious illness in children, the elderly, and persons
25 with weakened immune systems."

